

MEMBANGUN MORALITAS ANTIKORUPSI PENGEMBAN HUKUM TEORITIS DI INDONESIA

BUILDING AN ANTICORRUPTION MORALITY AMONG CARETAKER OF THEORETICAL LAW IN INDONESIA

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Submitted: Mar 23, 2017; Reviewed: Jun 05, 2017; Accepted: Jun 29, 2017

Abstrak

Korupsi telah menjadi suatu kejahatan yang akut. Korupsi telah menyebar ke dalam berbagai lini. Dampak dari perilaku korupsi sangat kompleks. Korupsi tidak hanya berdampak secara ekonomi dan kesejahteraan, melainkan juga pada mentalitas. Kondisi semacam ini harus diperbaiki dengan memperkuat basis moralitas dalam masyarakat. Artikel ini berangkat dari titik pandang hukum sebagai realitas. Hukum tidak dimulai dari perspektif norma. Dengan melihat hukum dalam perspektif realitas, maka penulisan dilakukan secara induktif, yang dianalisis secara kualitatif. Sebagai bagian dari pengemban hukum teoritis, perguruan tinggi paling potensial untuk melahirkan dan menancapkan moralitas antikorupsi, sekaligus melakukan perlawanan terhadap perilaku korupsi. Tantangan terbesar karena perilaku korupsi banyak dilakukan oleh kaum terdidik. Pelaku tahu bahwa korupsi itu tidak boleh, namun pelaku tidak berdaya tidak melakukannya. Dengan logika demikian, maka kelengahan dan ketidakberdayaan orang untuk tidak melakukan korupsi, sama sekali tidak disebabkan oleh tingkat pendidikan, melainkan moralitas antikorupsi.

Kata Kunci: *Anticorruption Behavior, Caretaker of Theoretical Law*

Abstract

Corruption has been an acute crime. It spreads into various lines. Impact of the corrupt behaviors is very complex. Corruption is not only impacting economy and well-being of people but also mentality. Such condition must be repaired and morality bases of people should be strengthened. This article used viewpoint of law as reality. Law does not start from perspective of norms. Seeing the law in its perspective of reality, the writing was made inductively and analyzed qualitatively. As a part of caretakers of theoretical law, higher education has been most potentially able to raise and to ingrain anticorruption morality as well as to fight against corrupt behaviors. The greatest challenge is the corrupt behaviors have been committed by educated individuals. The corruptors knew that corrupt behavior is forbidden, but they are not able to avoid of doing it. With the logic, careless and powerless of a person to reject corrupt behavior is not caused by education level but anticorruption behavior.

Keywords: *Morality Anticorruption; Theoretical Legal Bearers*

INTRODUCTION

This article is to see a relationship of morality building associated with anticorruption behavior, specifically related to position of Indonesian legal scholars. People are still prone to see legal scholars or caretakers of theoretical law or as the side with good morality.

K. Bertens put the word 'moral' by sharpening its use both in context of nouns or adjective. When the word 'moral' is used as a noun, then it has the same meaning as 'ethic', and when it is used as an adjective, its meaning is similar to 'ethical'. Values and norms that are hold true for a person or group in regulating behavior.¹

A more abstract word than 'moral' is 'morality'. According to Bertens, 'morality' (derived from the Latin adjective "*moralis*") has basically a similar meaning as 'moral'. However, 'morality' has more abstract tone. "Morality is a character of moral or the overall principles and values pertaining to the good and the bad".²

Relying on such a concept, it can be understood how important moral position is for the nation. Conditions which are contrary to good moral, Bertens has called them as immoral and amoral, have been

disturbing rampantly. In almost all aspects of life, moral order seems to be breakdown and collapse. The nation is facing an unhappy mental state.

One area that can be seen in this context is corruption. This crime has been involving many people. Data mapped by Indonesia Corruption Watch (ICW) is so astounding. Throughout January 1 to June 30, 2016, 201 cases with 500 suspects were found, and potential loss of Rp 890.5 billion. Previously, in 2015, there were 308 cases with 659 suspects and potential loss of Rp 3.7 trillion. In 2014, 629 cases and 1,328 suspects were reported and the state's potential loss was Rp 5.29 trillion.³

The figure is not small, isn't it? Thus, a conclusion stating corruption can reduce quality of welfare is correct relating to its impact. The high losses suffered by the state due to corruption affects obligation of the state for people to provide the rights of welfare.⁴ According to Niti-baskara, corruption is an extraordinary

¹ K. Bertens. (2011). *Etika*. Jakarta: Gramedia, p. 7.

² *Ibid.*

³ Kompas. (2015). "Penanganan Tersangka Korupsi". Jakarta: Kompas Daily, August 29. Serambi Indonesia. (2015). "Korupsi Kian Mencengangkan". Banda Aceh: Serambi Indonesia, December 16. Suara Merdeka. (2015). "Petinggi juga Korupsi". Semarang: Suara Merdeka, March 11.

⁴ Ridwan. (2014). "Upaya Pencegahan Tindak Pidana Korupsi Melalui Peran Serta Masyarakat". *Kanun Jurnal Ilmu Hukum*, 16 (3): 385-399.

crime which has become a hard-to-heal endemic.⁵

According to linguistic meaning, corruption is a misuse or an abuse of funds (owned by state, companies, etc.) for personal gain or others. While in the juridical sense, the term 'corruption' can be seen in Article 2 and Article 3 of Act No. 31/1999 *juncto* Act. No. 20/2001 on Corruption Crimes Eradication stating that:

- 1) Any person who acts unlawfully to enrich himself/herself or a corporation that can harm state finances (Article 2).
- 2) Any person with intention of enriching himself or another person or corporation, abuse of authority, opportunity or means available to him or her because of the existing position or facility that could harm finance or economy of the state (Article 3).

Referring to the provisions above, there are four important elements in this terminology, namely: (1) every person; (2) against the law; (3) enrich one-self/others/corporation; and (4) detrimental to the finance and economy of the state.

This crime can be committed by anyone. Data from the Corruption Eradication Commission (CEC) reported 343 regents/mayors and 18 governors had committed corruption. They were generally political figures. Indonesia consists of 419 regencies, 93 cities and 34 provinces. Public figures from executive, legislative and judiciary arenas had fulfilled those involved in corruption. Then, those who came from campus, such as rector, former rector and officials of colleges, had also been involved in corruption. ICW reported 296 cases in last 10 years with 479 suspects and state's potential losses of Rp. 619 billion.

Higher education should be sharpened with a variety of disciplines including legal science. It is associated with position of the law school playing as a developer of theoretical law.

METHOD

Standpoint of the article is to see the law through perspective of reality. Socio-legal approach is used. With such approach, the law is not seen as the norm. In addition, the law is viewed as an entity interacting with various other subsystems such as economic, political, social, and cultural. By viewing the law through the perspective of reality, the writing is con-

⁵ Ronny Rahman Nitibaskara. (2005). *Tegakkan Hukum Gunakan Hukum*. Jakarta: Kompas, p. 5.

ducted inductively and analyzed qualitatively.

DISCUSSION AND ANALYSIS

The Term Caretaker of Law

The word '*emban*' in Indonesian Dictionary means: (1) fabric to dress body (chest, breasts, abdomen); (2) rope of belly liner (in horse). When prefix '*pe*' is added, it is be a carrier which is defined as: (1) carry (a child, etc.) with a cloth or scarf; (2) implement (task, goal, obligation, etc.).

B. Arief Sidharta used the word '*emban*' in study of the law. The use of the term seems important to define exact explanation of his legal study. In his dissertation of 1994, he already revealed this term which was, then, developed through his book on study of philosophy.⁶

In later development, the term "*pengembangan hukum*" became very familiar to legal academicians. This term is basically intended to describe an activity with very broad meaning. In context of the law, "*pengembangan*" or caretaking includes activities of forming, implementing, deploying, discovering, interpreting,

investigating, learning, to teaching the law.

According to Sidharta, the term "*pengembangan*" means "to bear duty and obligation to implement, run, manage, maintain, cultivate, and develop a certain type of activity, and morally responsible for it."⁷ In particular, Sidharta emphasized on moral responsibility to variety of tasks and obligations carried. Thus, they are not stopping at a number of activities as mentioned above.

Other interpretation by B. Arief Sidharta from Meuwissen's opinion stated completely about "*pengembangan hukum*" or caretaking of the law, namely: "*pengembangan hukum (rechtsbeoefening)* is human activity with respect to existence and application of the law in society which is including activities of shaping, implementing, applying, finding, interpreting, analyzing, and systematically studying and teaching the law."⁸

This study was sharpened further by Shidarta. Studies of this kind have been

⁶ B. Arief Sidharta. (1999). *Refleksi tentang Struktur Ilmu Hukum, sebuah Penelitian tentang Fondasi Kefilsafatan dan Sifat Keilmuan Ilmu Hukum sebagai Landasan Pengembangan Ilmu Hukum Nasional Indonesia*. Bandung: Mandar Maju.

⁷ B. Arief Sidharta.. "Struktur Ilmu Hukum", dalam Esmi Warassih dkk (Ed.). (2012). *Refleksi dan Rekonstruksi Ilmu Hukum di Indonesia*. Semarang: Bagian Hukum dan Masyarakat Fakultas Hukum Universitas Diponegoro, p. 35.

⁸ CA. Van Peursen. (2005). *Filsafat Ilmu-Ilmu*. Bandung: Pusat Kajian Humaniora Universitas Katolik Parahyangan, hlm. 1. B. Arief Sidharta. (2008). *Meuwissen tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum*. Bandung: Refika Aditama, p. 25.

very few in Indonesia. According to Shidarta, *pengembangan hukum* in Indonesia is "human activity relating the existence and application of law in Indonesia that is covering theoretical and practical caretaking of the law as a whole."⁹

Pengembangan hukum is divided further into two forms, a practical caretaking of the law and theoretical caretaking of the law. The theoretical caretaking of the law is dealing with "association with the law in real life". Practical caretaking of the law consists of legal establishment, legal discovery, and legal assistance. Legal establishment is divided again into legislation, concrete decision, and real action.¹⁰

Map of Corruption

In relation to anticorruption, theoretical caretaking of the law is very important. With this caretaking, answer should be able to find completely about fundamental legal issues. In the context of study, the law is no longer confined to studies of legal philosophy and legal theory, but at level of jurisprudence (normative). There are empirical legal studies such as legal comparative, legal sociolo-

gy, legal history, legal anthropology and legal psychology. At the level of legal theory, the topics are principles of law, relationship between law and logic as well as methodology (science and principles of legal practices). At the level of legal philosophy, law is not a purely empirical notion, but also exhibits normative features. It cannot separate between *and sollen*. According to Meuwissen, legal philosophy is a systematic reflection about "reality" of the law." "The fact of the law" should be seen as a realization of legal ideals.¹¹ The proposition is "all cultures (law, art, science and religion) are embodiment of an idea." In this form, its origin is *Neo Kantian*. Meanwhile in the legal context, this proposition is maintained by Radbruch who explained legal ideal in three aspects, namely the rule of law, usability, and justice.¹²

According Sidharta, based on the three levels of abstraction, caretaking of the law is directed toward effort of answering questions in order to find and offer alternative juridical solutions for specific societal problems (both micro and macro ones) with respect to and within framework of applied positive law.

⁹ Shidarta. (2013). *Hukum Penalaran dan Penalaran Hukum, Buku 1 Akar Filosofis*. Yogyakarta: Genta Publishing, p. 13-14.

¹⁰ B. Arief Sidharta. Op. Cit., p. 24-25.

¹¹ *Ibid.*

¹² B. Arief Sidharta. Op. Cit., p. 43. Sulaiman. (2015). *Pengembangan Hukum Teoretis dalam Pembangunan Ilmu Hukum Indonesia*. *Kanun Jurnal Ilmu Hukum*. 17(3): 422.

Crucial problem emerging is corruption. Mapping by ICW from January 1 to June 30, 2016 showed 201 cases with 500 suspects and potential loss of the state reached Rp. 890.5 billion. Of these, public attorney handled Rp. 473 billion and bribes of Rp.14 million, police handled Rp 252,2 billion, the Corruption Eradication Commission (KPK) discovered Rp 164 billion and bribe of Rp. 28 billion, SGD 1.6 million and USD 72 thousand.¹³ In 2015, there were 308 cases with 659 suspects and the state's potential losses amounting to Rp. 3.7 trillion.¹⁴ In 2014, the cases reached 629, with 1328 people suspects and potential loss of Rp. 5.29 trillion.¹⁵

Statistical number of corruption cases investigations indicated seven types of cases from 2004 to 2016, namely procurement of goods and services (148), licensing (19), bribery (262), charges (21), misuse of funds (44), money laundering (15), impeding the process of Corruption Eradication Commission (5). From all 514 cases, bribery cases were 262.¹⁶

As of 30 June 2016, Corruption Eradication Commission examined 51 cases, investigated 46 cases, prosecuted 30 cases, verdicts for 34 cases, and 42 cases had been executed. From years 2004-2016, the Commission had handled total amount of corruption crimes cases as follow: 803 cases were examined, 514 cases were investigated, 419 cases were prosecuted, 354 cases reached verdicts, and 375 cases had been executed.¹⁷

An important thing is more public figures had been involved in the crimes. Many regional leaders had been involved in the corruption crimes. There were 343 regents mayors and 18 governors committed corruption crimes. Generally, they were affiliates of political parties and organizations.¹⁸ There were 415 regencies, 93 cities and 34 provinces in Indonesia.¹⁹

There is a tendency that more public figures cannot serve as a good model. The last case handled by the Commission was Irman Gusman, a Chairman of the Regional Representative Council, charged

tindak-pidana-korupsi. [Access, September 29 2016].

¹⁷ *Ibid.*

¹⁸ Terbit Daily. (2016). *KPK: 361 Kepala Daerah Terlibat Korupsi*, dalam harianterbit.com/m/nasional/read/2016/08/11/67140/44/25/KPK-361-Kepala-Daerah-Terlibat-Korupsi. [Access, September 29 2016].

¹⁹ Ministry of Domestic Affair. (2016). *Jumlah Provinsi, Kabupaten dan Kota*, dalam otda.kemendagri.go.id/index.php/2014-10-27-09-15-39. [Access, September 29 2016].

¹³ Kompas. (2015). "Penanganan Tersangka Korupsi". Jakarta: Kompas, August 29.

¹⁴ Serambi Indonesia. (2015). "Korupsi Kian Mencengangkan". Jakarta: Serambi Indonesia, December 16.

¹⁵ Suara Merdeka. (2015). "Petinggi juga Korupsi". Semarang: Suara Merdeka, March 11.

¹⁶ KPK. (2016). *Rekapitulasi Penindakan Pidana Korupsi*, in [acch.kpk.go.id/statistik-](http://acch.kpk.go.id/statistik-tindak-pidana-korupsi)

with alleged bribe of Rp.100 million. Smaller amount of money than salary he received each month. Ironically, the case involved a city prisoner who was undergoing trial in West Sumatra. Inside, there was also a prosecutor taking part in this case.²⁰

The more upsetting was some rectors, former rectors, or other high level staffs of higher education were also involved in corruption crimes. In addition, the corruption crime ICW called them as "education corruption" was 296 cases (with 479 suspects and potential loss of Rp. 619 billion) in last 10 years.²¹

Based on data above, it may not possible to dismiss the fact that Indonesia is in corruption crime emergency. Especially, if you see tabulation of data corruption handling, look always there is increasing from year to year. At all stages, the data is always increasing. Examination, started with number 23 (2004), 29 (2005), 36 (2006), 70 (2007), 70 (2008), 67 (2009), 54 (2010), 78 (2011), 77 (2012), 81 (2013), 80 (2014), 87 (2015), and until June 30, 2016 in position 51. In-

vestigation is 2, 19, 27, 24, 47, 37, 40, 39, 48, 70, 56, 57, and 46 successively. Prosecution, 2, 17, 23, 19, 35, 32, 40, 36, 41, 50, 62, and 30. Cases with verdict were 0, 5, 17, 23, 23, 39, 34, 34, 28, 40, 40, 37, and 34 consecutively. Cases had been executed were 0, 4, 13, 23, 24, 37, 36, 34, 32, 44, 48, 38, and 42 successively.²²

Based on this data, there had been small decline. For the examination, there was a decreased amount in 2009 to 2010. Number of investigation reduced slightly in 2009, and an increase in 2008 and 2013. Number of cases with prosecution declined in 2012. Cases with verdicts also reduced in 2010-2012, and cases with executions decreased in 2015. The rest was an increasing number of cases both in quantity and quality.

Role of Caretaker of Theoretical Law (Legal Scholars)

By considering the data above, and explanation of who the real caretakers of theoretical law, then a big opportunity is available for the caretaker of theoretical law to involve in resolving foundation of national problems. Related to corruption, there is an important conceptual contribution to discover fundamentally what are

²⁰ Kompas. (2016). "Peran Irman Gusman Terungkap". Jakarta: Harian Kompas, September 20.

²¹ ICW. (2016). *Rapor Merah, Sepuluh Tahun Korupsi Pendidikan*, in www.antikorupsi.org/id/content/rapor-merah-sepuluh-tahun-korupsi-pendidikan, download. [Access, September 29 2016].

²² KPK, *Op. Cit.*

causes of the problems and how to solve them in the long term.

Most important thing to explain that it should be less likely that corruption occurs because of ignorance. Indeed, there is a possibility that corruption is committed because unfamiliarity with the law (legislation), but it could not in large numbers of people. In 2011, the Supreme Audit Body (SAB) revealed four main factors driving an individual to commit corruption, namely factors of need, pressure, opportunity and rationalization. An individual is compelled to commit corruption crime because he wants to have something, but his revenue is not allowing him to get it. Pressure factor, an individual commits corruption because it is a request from his relative or his boss he cannot avoid. Opportunity factor, corruption is committed by persons in charges by utilizing their positions and authority to enrich themselves. Although procedure to acquire the wealth violates applicable laws. Rationalization factor, the crime is usually committed by highest officials such as regent/mayor at regency/city level or governor in provincial level. The corrupt official is felt that if he had mansion or luxury car, other people will consider it rational

or fair because he is a regent or governor.²³

What has been disclosed by SAB based on experiences and findings of its auditors describe condition of understanding of corruption. Four factors above were committed very intentionally. This condition is also supported by reality of how to perform the law in our country. There are three realities that have long been uncovered by experts and through a number of surveys. First, the sharp of legal sword striking the little guy turn out to be blunt when dealing with people who have power.²⁴ The legal enforcement that is not fully supported by all agencies is another example of such condition. All agencies state that the law as a commander, but getting angry when their employee is arrested for corruption.

Second, the grim story of corruption eradication²⁵ that is exhibited by law enforcement institutions.²⁶ Since five years ago, political influence on law enforce-

²³ Ajeng Ritzki Pitakasari. (2011). "Ini Alasan BPK Mengapa Orang Lakukan Korupsi". Jakarta: Republika Daily, November 22.

²⁴ Endang Rahayu dan Indah Surya Wardhani. (2010). "Jajak Pendapat Kompas: Timbangan Hukum yang Timpang". Jakarta: Kompas, Februari 15.

²⁵ Satjipto Rahardjo. (2009). *Hukum Progresif, Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing, p. 1.

²⁶ Suwardiman. (2009). "Jajak Pendapat Kompas: Belenggu Hukum dalam Ruang Gelap Politik". Jakarta: Kompas, November 2.

ment has been not ignorable. In fact, penetration of such influence is making possible because assignment of some members of law enforcement agencies must be conducted through political process which is in 'polite' language is called the *fee and property* - as sarcasm to the fit and proper test.

Third, increasingly falling-down image of law enforcement institutions and their personnel in eye of public.²⁷ Some cases of corruption involving big guys have been not finished yet. Not to mention almost no institution that is not smeared with corruption.²⁸

Three realities above, illustrates something else, namely the irony in a country that many believe that the law occupies a place that is too precious. In fact, the law has been often regarded as closed texts with fix meaning for sublime purposes (revealing beauty). Materialization of that belief, we know it with phrase "rule of law", "equality before the law",

"presumption of innocence" and "impartiality".²⁹

Through these three legal realities, it is seen how the "law with its very noble place" is available to use according to desired taste. Lawsuits against the sense of justice also appear.³⁰ It is reminiscent of experience of the New Order showing that the law is often trapped as a justification body for the ruler actions.³¹ Rousseau even mentioned the law is the field of instrumental property of the ruler to protect his own interests and to enslave people.³²

At the extent, should efficacy of the law be questionable in tackling corruption crime? This question is fundamental based on data on the increased number of corruption crimes cases from year to year. There is other thing that must be traced back to the fundamental, Muladi had once referred to this as mentality. A person engages in corruption is not due to his ignorance of the law of corruption, but because such mentality, the mentality of greedy-avaricious, corruption due to the need, and

²⁷ Umi Kulsum. (2009). "Jajak Pendapat Kompas: Saatnya Reformasi Penegak Hukum". Jakarta: Kompas, November 16.

²⁸ Suwardiman. (2010). "Jajak Pendapat Kompas: Robohnya Kepercayaan Publik". Jakarta: Kompas, April 12. Kristian Erdianto. (2016). "Survei CSIS: Publik Nilai Kepolisian Rentan Praktik Korupsi". Jakarta: Kompas, July 27. Kristian Erdianto. (2016). "Dibandingkan Parpol, Tingkat Kepercayaan Publik Kepada KPK Sangat Tinggi". Jakarta: Kompas, July 27.

²⁹ Awaluddin Marwan. (2010). *Teori Hukum Kontemporer*. Yogyakarta: Penerbit Rangkang, p. vii.

³⁰ Satjipto Rahardjo. (2006). *Ilmu Hukum*. Bandung: Citra Aditya Bakti, p. 19.

³¹ Esmi Warassih. (2014). *Pranata Hukum Sebuah Telaah Sosiologis*. Semarang: Pustaka Magister, p. 63

³² Jean Jaques Rousseau. (1989). *Perihal Kontrak Sosial atau Prinsip-prinsip Hukum Politik*, diterjemahkan Ida Sudari. Jakarta: Dian Rakyat, p. 7.

corruption because they want to change their life.³³ In such condition, the Director General of Regional Autonomy of Domestic Affair Ministry stated another dominant factor, namely behavior, especially for corruption committed by head of regions because of the great cost of election. Many instruments are available for preventing corruption. However, an awareness to build the nation is determinant.³⁴

Considering conditions above, it is almost impossible to rest on the law only. Meanwhile, there must be another reinforcement and involves other aspects to solve the problem of this nation. Ali Mansour offers mental, values and mindset approach. This approach is a preventive measure such as awareness of conscience, strengthening honesty, understanding a position as a mandate, and spreading the justice.³⁵ Moreover, according to Indriyanto Seno Adji, corruption is an act which is always experiencing dynamic modus operandi. Thus, the use of

system approach would be useless for the legal substance and structure without improvement of moral and ethics.³⁶

There are four important things causing persons to commit corruption. First, they do not feel guilty for greed controls them. Secondly, they are not felt embarrassed because more people to do so. Third, they have no fear. Fourth, public does not punish them with social sanction.³⁷

Position of a caretaker of theoretical law has great opportunity. There were 382 state universities and 4,028 private universities with 24,256 courses in Indonesia. With that number, there were 6.8 million students and approximately 233 thousand lecturers (53 031 undergraduates, 134 522 masters, the remaining were doctors and professors amounting to nearly six thousand people or 3%). Ratio of faculties and students were approximately 1:90. Some campus has many lecturers, and some others are still lacking them.³⁸ No record has

³³ Muladi. (2010). *Pertanggungjawaban Pidana Korporasi*. Jakarta: FI. Mandiri, p. 23.

³⁴ Beritasatu. (2016). *Kepala Daerah Tersandung Korupsi Disebabkan Banyak Faktor*, in m.beritasatu.com/nasional/360827-kepala-daerah-tersandung-korupsi-disebabkan-banyak-faktor.html. [Access, September 29 2016].

³⁵ Ali Mansyur. "Menuju Masyarakat Antikorupsi", in Satya Arinanto dan Ninuk Triyanti (Ed.). (2012). *Memahami Hukum, dari Konstruksi sampai Implementasi*. Jakarta: RajaGrafindo Persada, p. 154-156.

³⁶ Indriyanto Seno Adji. "Polemik Korupsi Sistemik" in Satya Arinanto dan Ninuk Triyanti (Ed.). (2012). *Memahami Hukum, dari Konstruksi sampai Implementasi*. Jakarta: RajaGrafindo Persada, p. 167.

³⁷ Salahuddin Wahid. (2016). "Agama dan Korupsi". Jakarta: Kompas, June 20.

³⁸ Siska NK. (2016). "Dengan NIDK, Menambah 40 Persen Dosen". Bandung: Pikiran Rakyat, January 12. Kompas. (2015). "Menristek Dikti Akan Atasi Rasio Jumlah Dosen dengan Mahasiswa". Jakarta: Kompas, October 5.

been found about how many of them are in science of law.

However, this potential is important to function. Satjipto Rahardjo had proposed that apparatus should be 'clear white' (squeaky clean) who are carrying out their duties on the basis of 'a calling'.³⁹ In order to fulfill the apparatus with this 'call of the soul', position of campus as a 'producer' of apparatus is very important. Campus should be able to produce apparatuses who are bold to read the law texts progressively.⁴⁰ It is because corruption would not stop with one generation, corruption is always regenerating. Corruption grows, rooted and built in all structures of power.

Therefore, a good law is not enough.⁴¹ The existence of law related to a fighting against corruption has been repeatedly changed and improved, but the number and quality of corruptions continue to occur and increase. The changes, among others, began with a number of regulations outside the Criminal Code, namely: Military Authority Regulation No. Prt/PM-06/1957 on Corruption Eradi-

cation; Military Authority Regulation No. Prt/PM-08/1957 on the Surveillance of Property; Military Authority Regulation No. Prt/PM-011/1957 on Seizure and Confiscation of Property Obtained by Unlawful actions; Military Authority Regulation No. Prt/Peperpu/013/1958 on Examination, Prosecution and Investigation of Corruption Crimes and Surveillance of Property; Government Regulation No. 24/1960 on Examination, Prosecution and Investigation of Corruption ratified by Law No. 1/1961 and later, it was Law No. 24/1961; Law no. 3/1971 on Eradication of Corruption; UU No. 31/1999 on Corruption Eradication; and Law No. 20/2001 on the Amendment to Law No. 31/1999 on Corruption Eradication.

According to Yudi Kristiana, a good law must be supported by clear political will. Being trapped in a linear law and conventional bureaucratic model, the more helpless to fight corruption, especially with weak political will.⁴²

Establishing Anticorruption Morality

Based on previous explanation, then, anticorruption morality within campuses will be strategic value for the future. The offer must reach to an embedding of morality because corruption has been a

³⁹ Moh. Mahfud MD dkk. (2013). *Dekonstruksi dan Gerakan Pemikiran Hukum Progresif*. Yogyakarta: Thafa Media, p. vi.

⁴⁰ *Ibid*.

⁴¹ Yudi Kristiana. "Pemberantasan Korupsi dengan Pendekatan Hukum Progresif", in Moh. Mahfud MD et al. (2013). *Dekonstruksi dan Gerakan Pemikiran Hukum Progresif*. Yogyakarta: Thafa Media, p. 61-65.

⁴² *Ibid*

chronic and spread everywhere. Morality in this context can be associated with a wealth of Pancasila ideology. This ideology also confirms a religious Indonesia.

Values of each principle of Pancasila can strengthen the culture of Indonesian law.⁴³ Satjipto Rahardjo reminded that we should not be trapped in machinery of justice ignoring atmosphere of Pancasila community.⁴⁴ Based on Pancasila, there are a number of values inherent in it, namely: (a) Belief in God Almighty; (b) Humanitarian; (c) Unity; (d) Democracy; (e) Social Justice; (f) Mutual cooperation ; (e) Harmony; (h) Deliberative Consensus.⁴⁵ It can be said that these values is basic guiding principles in implementation of the law in Indonesia.⁴⁶

This potential is owned by lecture halls and rooms of campuses. Based on concept of epistemology, a morality closely related to knowledge of society is a ba-

sis of anticorruption system. To say no to corruption should start essentially from the culture of Indonesia itself. Epistemology can be a room in understanding reality all this time. Simply put, epistemology specifically struggles with comprehensive and fundamental problems about knowledge and science.⁴⁷ With a variety of theories developed in the context of epistemology will affect how an individual views his surrounding conditions to the level of mentality.

With the basis, anticorruption morality is possible to start from campus by giving examples for communities outside of the campus, or for their alumni that will spread into activities around society. The role model would provide foundation for other components of societies to make them aware that corrupt behavior is very bad.

The next step, when persons coming from campuses to be a role model, it would be easy to institutionalize anticorruption behavior to wider society. This condition will take place as a spread of virus that will fill every niche of human heart.

A deeper step after providing example is to instill knowledge that will be a guide in any activity. This knowledge es-

⁴³ Sunaryati Hartono. (2008). *Membangun Budaya Hukum Pancasila Sebagai Bagian Dari Sistem Hukum Nasional Indonesia Di Abad Ke 21*. Scientific Oration in Anniversary. Bandung: Universitas Katolik Parahyangan

⁴⁴ Satjipto Rahardjo. (2006). *Sisi-Sisi Lain Dari Hukum Indonesian*. Jakarta: Kompas, p. 58

⁴⁵ Satjipto Rahardjo. (1998). "Paradigma Ilmu Hukum Indonesia", Paper presented in National Legal Science Symposium: Paradigm of Legal Science in Indonesia . Semarang: PDIH Universitas Diponegoro, February 10.

⁴⁶ Khudzaifah Dimiyati. (2005). *Teorisasi Hukum, Studi tentang Perkembangan Pemikiran Hukum di Indonesia 1945-1990*. Surakarta: Muhammadiyah University Press, p. 191-206.

⁴⁷ A. Gunawan Setiardja. (2007). *Filsafat Pancasila Bagian I*. Semarang: Undip, p. 10.

tablishment will lead to an individual to see mentally the corrupt behavior, whoever did it, not only as an evil behavior, but something that is very disgusting.

These three steps are very likely to be supported by campus community. With these three steps, it is hoped that corruptors and corrupt behavior will be enemy of the state as well as enemy of the people who feel impact of the corrupt behavior.

CLOSING

Anticorruption morality is very important because a person committing a corruption actually knows already that it is a crime. The crime was committed even with good preparation and plan. Based on theory and practice, some important factors cause corrupt behavior such as need, pressure, opportunity, and rationalization. Those are factors recognized from the beginning.

Morality is important to develop within campuses because of its potential to deliver strategic deployment, in which 6.8 million students and 233 thousand lecturers from 4,400 higher educations will produce no less than a half million educated people each year. This potential will very likely be functioned through three steps. First, building of mentality within campus in term of providing good exam-

ple or a role model. Second, institutionalization of anticorruption behavior to wider society. Third, establishment of knowledge that will be a mentor or guide in any activity to avoid corrupt behavior.

Acknowledgment

In completion of this study, author would like to thank Dr. Teuku Muttaqin Mansur and Muhammad Rustamadji who provided his time to read and to criticize the draft. In addition, appreciation would be to the Committee of the National Seminar on Legal Transcendence: Prospects and Implementation, Doctoral Program of Legal Studies of Muhammadiyah University of Surakarta which was enable author to present results of the study on February 25, 2017. With this opportunity, author felt being much assisted and provided with variety of constructive criticism in order to improve the draft.

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